

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JONATHAN D. JACKSON,

Plaintiff,

v.

STATE OF WASHINGTON
SUPERIOR COURT IN AND FOR THE
COUNTY OF STEVENS JUVENILE
DIVISION (DSHS/CPS),

Defendant.

2:14-CV-00148-LRS

ORDER OF DISMISSAL

The *pro se* Plaintiff has been allowed to file his Complaint *in forma pauperis* subject to review by the undersigned for legal sufficiency. (ECF No. 4). Viewing the civil cover sheet which accompanied Plaintiff's Complaint (Attachment 1 to ECF No. 1), this is apparently intended as a 42 U.S.C. §1983 action in which the Plaintiff alleges his federal constitutional rights have been violated by proceedings which have taken place or are currently taking place in the Stevens County Superior Court. Plaintiff's Complaint refers to the "Constitutionality of state statutes in Dependency disposition" and alleges "[t]his District court has venue because Defendant is a resident of Stevens County Washington." (ECF No. 5). It appears from the caption on Plaintiff's Complaint- listing himself as the "Defendant" and the Stevens County Superior Court as the Plaintiff- that Mr. Jackson is challenging ongoing dependency proceedings in

ORDER OF DISMISSAL-

1 Stevens County Superior Court which involve him, but his Complaint is utterly
 2 devoid of any factual allegations regarding the nature of those proceedings. Mr.
 3 Jackson's civil cover sheet indicates he believes the Stevens County Superior
 4 Court matter "needs to be moved to federal court."

6 I. ABSTENTION

7 *Younger* abstention is proper where: (1) there are ongoing state judicial
 8 proceedings; (2) that implicate important state interests; and (3) there is an
 9 adequate opportunity in the state proceedings to raise federal questions.
 10 *Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432,
 11 102 S.Ct. 2515 (1982). The "policy objective behind *Younger* abstention is to
 12 avoid unnecessary conflict between state and federal governments." *United States*
 13 *v. Morros*, 268 F.3d 695, 707 (9th Cir. 2001). *Younger* permits "state courts to try
 14 state cases free from interference by federal courts," particularly where the party to
 15 the federal case may fully litigate his claim before the state court." *Hicks v.*
 16 *Miranda*, 422 U.S. 332, 349, 95 S.Ct. 2281 (1975). *Younger* "generally directs
 17 federal courts to abstain from granting injunctive or declaratory relief that would
 18 interfere with pending state judicial proceedings." *Martinez v. Newport Beach*
 19 *City*, 125 F.3d 777, 781 (9th Cir. 1997).

20 "Family relations are a traditional area of state concern." *Moore v. Sims*,
 21 442 U.S. 415, 435, 99 S.Ct. 2371 (1979). "[D]omestic relations [is] an area that
 22 has long been regarded as a virtually exclusive province of the States." *Sosna v.*
 23 *Iowa*, 419 U.S. 393, 404, 95 S.Ct. 553 (1975). "In addition, a state has a vital
 24 interest in protecting 'the authority of the judicial system, so that its orders and
 25 judgments are not rendered nugatory.'" *H.C. ex rel. Gordon v. Koppel*, 203 F.3d
 26 610, 613 (9th Cir. 2000), quoting *Juidice v. Vail*, 430 U.S. 327, 336 n.12, 97 S.Ct.
 27 1211 (1977). "This is a particularly appropriate admonition in the field of
 28 domestic relations, over which federal courts have no general jurisdiction, and in

1 which state courts have a special expertise and experience.” *Id.*

2 Ongoing dependency proceedings in Stevens County Superior Court
3 implicate important state interests. Mr. Jackson has an adequate opportunity in
4 those proceedings to raise his constitutional claims. “Minimal respect for the state
5 processes, of course, precludes any presumption that the state courts will not
6 safeguard federal constitutional rights.” *Middlesex*, 457 U.S. at 431. A federal
7 court “should assume that state procedures will afford an adequate remedy, in the
8 absence of unambiguous authority to the contrary.” *Pennzoil Co. v. Texaco, Inc.*,
9 481 U.S. 1, 15, 107 S.Ct. 1519 (1987). If Mr. Jackson is dissatisfied with the
10 results in Stevens County Superior Court, he can seek review of the
11 constitutionality of the dependency proceedings in the Washington Court of
12 Appeals and/or the Washington Supreme Court. If he is dissatisfied with his
13 results in the state courts, he can petition the United States Supreme Court through
14 a writ of certiorari for a review of the constitutionality of the dependency
15 proceedings. *See* 28 U.S.C. §1257(a).

16 All of the requirements of the *Younger* abstention doctrine are met here.
17 Indeed, the Ninth Circuit has specifically held that a civil rights action alleging
18 that a state court judge violated the due process rights of the plaintiff in a child
19 custody battle “is precisely the type of case suited to *Younger* abstention.”
20 *Koppel*, 203 F.3d at 613. *See also Safouane v. Fleck*, 226 Fed. Appx. 753, 758-59
21 (9th Cir. 2007) and *Belinda K. v. County of Alameda*, 2012 WL 273661 (N.D. Cal.
22 2012) (both involving dependency proceedings). The *Younger* doctrine has been
23 extended to juvenile dependency proceedings, and even to Indian Child Welfare
24 Act claims in such proceedings. *Belinda K.* at *3, citing *Moore v. Sims*, 442 U.S.
25 415, 423, 99 S.Ct. 2371 (1979) and *Morrow v. Winslow*, 94 F.3d 1386, 1392 (10th
26 Cir. 1996). Accordingly, assuming there are ongoing dependency proceedings in
27 Washington state courts, the *Younger* abstention doctrine requires dismissal of Mr.
28 Jackson’s civil rights claims.

1 **II. ROOKER-FELDMAN**

2 If the state court dependency proceedings are not “ongoing” and Mr.
 3 Jackson is attempting to challenge prior proceedings, such a claim is barred by the
 4 *Rooker-Feldman* doctrine. “The *Rooker-Feldman* doctrine recognizes that federal
 5 district courts generally lack subject matter jurisdiction to review state court
 6 judgments.” *Fontana v. Empire Ctr., LLC v. City of Fontana*, 307 F.3d 987, 992
 7 (2002). Under this doctrine, a federal district court does not have jurisdiction to
 8 hear a direct appeal from a final state court judgment. *Noel v. Hall*, 341 F.3d
 9 1148, 1154 (9th Cir. 2003). The *Rooker-Feldman* doctrine applies to *de facto*
 10 appeals. *Id.* at 1158. “It is a forbidden *de facto* appeal under *Rooker-Feldman*
 11 when the plaintiff in federal district court complains of a legal wrong allegedly
 12 committed by the state court, and seeks relief from a judgment of that court.” *Id.*
 13 at 1163. “If a federal plaintiff asserts as a legal wrong an allegedly erroneous
 14 decision by a state court, and seeks relief from a state court judgment based on that
 15 decision, *Rooker-Feldman* bars subject matter jurisdiction in federal court.” *Id.* at
 16 1164.

17 18 **III. CONCLUSION**

19 Based on the foregoing, and pursuant to 28 U.S.C. §1915(e)(2)(B), the *pro*
 20 *se* Complaint is **DISMISSED with prejudice** for failure to state a claim upon
 21 which relief can be granted. An amendment of the Complaint cannot cure the
 22 deficiencies discussed herein.

23 //

24 //

25 //

26 //

27 //

28 //

1 Pursuant to 28 U.S.C. §1915(a)(3), it is hereby **CERTIFIED** that any
2 appeal from this Order Of Dismissal is not taken in good faith.

3 **IT IS SO ORDERED.** The District Executive shall enter judgment
4 accordingly, forward copies of the same to Mr. Jackson, and close the file.

5 **DATED** this 16th day of July, 2014.

6
7 *s/Lonny R. Suko*

8

LONNY R. SUKO
9 Senior United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28